

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of BERKE

Application No. 10/539,537

Examiner:

Filed: June 17, 2005

Group Art Unit: 2856

Customer No. 30448

For: METHOD AND DEVICE FOR DETERMINING THE SIZE OF A FRACTURE IN A
WORKPIECE BY MEANS OF THE ULTRASOUND PULSE METHOD

INFORMATION DISCLOSURE STATEMENT PURSUANT TO 37 C.F.R. §1.97(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the Duty to Disclose under 37 C.F.R. §1.56, the references cited on the accompanying form PTO/SB/08A are hereby brought to the attention of the Examiner for independent evaluation. Applicant respectfully requests that the listed documents be considered by the Examiner and made of record in the present application and that an initialed copy of forms PTO/SB/08A be returned in accordance with MPEP §609.

A copy of each foreign reference is enclosed, along with an English language abstract where available. A copy of the International Search Report for co-related application PCT/DE03/03238 is also enclosed, which satisfies the requirement for a concise explanation of foreign language references.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicants do not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

Application No. 10/539,537

Information Disclosure Statement Pursuant to 37 C.F.R. §1.97(b)

Page 2 of 2

Certification

This Statement is being filed prior to the issuance of the first Office Action for the present application, and this paper is thus submitted in accordance with 37 C.F.R. §1.97(b).

In view of the above certification, a fee is not required for consideration of this document. Nevertheless, should a fee be deemed to be due by the Commissioner, such fee should be charged to Deposit Account No. 50-0951.

Respectfully submitted,

Dated: 9-6-06



Mark D. Passler

Registration No. 40,764

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Docket No. 200-100

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Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet	1	of	2
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Complete If Known

Application Number	10/539.537
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Filing Date	June 17, 2005
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First Named Inventor	BERKE
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Art Unit	2856
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Examiner Name

Attorney Docket Number	200-100
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[illegible]

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T
		Country Code ² -Number ⁴ -Kind Code ⁵ (if known)	MM-DD-YYYY			
		DE 23 42 795	03-06-1975	Deutsch Prüf Messgeraete		
		GB 1 402 495	08-06-1975	Thyssen Niederrhein AG		

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Complete If Known			
		Application Number	10/539,537		
		Filing Date	June 17, 2005		
		First Named Inventor	BERKE		
		Art Unit	2856		
		Examiner Name			
Sheet	2	of	2	Attorney Docket Number	200-100

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		API Recommended Practice 5UE, First Edition, American Petroleum Institute, March 2002, Page 1-16	
		V. Deutsch, et al., Ultraschallprufung (1997) pages 55-73	
		V. Deutsch, et al., Ultraschallprufung (1997) pages 125-135	

Examiner Signature		Date Considered	
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1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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INTERNATIONAL SEARCH REPORT

International Application No.

PCT/DE 03/03238

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 G01N29/10

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 G01N

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	API RECOMMENDED PRACTICE 5UE, FIRST EDITION: "Recommended Practice for Ultrasonic Evaluation of Pipe Imperfections" AMERICAN PETROLEUM INSTITUTE, March 2002 (2002-03), pages 1-16, XP0009030426	1-5
Y	cited in the application page 1, paragraph 1.1 page 4, paragraph 7 - page 5 page 6, paragraph 8.2.2 - page 7, paragraph 9.2.6; figure 8.2.2.a page 9, paragraph A.1 - page 14, paragraph A.3; figures A.3.a, A.3.B, A.3.c -/-	6,7

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents:

- 'A' document defining the general state of the art which is not considered to be of particular relevance
- 'E' earlier document but published on or after the international filing date
- 'L' document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- 'O' document referring to an oral disclosure, use, exhibition or other means
- 'P' document published prior to the international filing date but later than the priority date claimed

- 'T' later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- 'X' document of particular relevance; the claimed invention cannot be considered (novel) or cannot be considered to involve an inventive step when the document is taken alone
- 'Y' document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
- 'Z' document member of the same patent family

Date of the actual completion of the international search

5 May 2004

Date of mailing of the international search report

28/05/2004

Name and mailing address of the ISA

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Fax: (+31-70) 340-3016

Authorized officer

Uttenthaler, E

INTERNATIONAL SEARCH REPORT

International Application No.

PCT/DE 03/03238

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	V. DEUTSCH, M. PLATTE, M. VOGT: "Ultraschallprüfgeräte" ULTRASCHALLPRÜFUNG, 1997, pages 55-73, XP002279058 BERLIN HEIDELBERG NEW YORK	6,7
A	page 62, last paragraph - page 73; figure 3.29	1,2,4
A	V. DEUTSCH, M. PLATTE, M. VOGT: "Fehlernachweis und Gerätejustierung" ULTRASCHALLPRÜFUNG, 1997, pages 125-135, XP002279059 BERLIN HEIDELBERG NEW YORK page 125 - page 133, paragraph 1; figure 3.116	1-5
A	DE 23 42 795 A (DEUTSCH PRUEF MESSGERAETE) 6 March 1975 (1975-03-06) page 1 - page 2, last paragraph page 4, paragraph 2 page 8, paragraph 1	1,6
A	GB 1 402 495 A (THYSSEN NIEDERRHEIN AG) 6 August 1975 (1975-08-06) page 1, line 11 - line 32 page 3, line 118 - page 4, line 56	1,6

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/DE 03/03238

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
DE 2342795	A	06-03-1975	DE 2207164 A1	30-08-1973
			DE 2342795 A1	06-03-1975
			DE 2342796 A1	06-03-1975
			DE 2342797 A1	06-03-1975
			FR 2172325 A1	28-09-1973
			GB 1422556 A	28-01-1976
			IT 993551 B	30-09-1975
GB 1402495	A	06-08-1975	DE 2226172 A1	13-12-1973
			BE 800155 A1	17-09-1973
			FR 2187124 A5	11-01-1974
			IE 37685 B1	14-09-1977
			IT 1012055 B	10-03-1977
			LU 67598 A1	24-07-1973
			NL 7307604 A , B	04-12-1973

INTERNATIONALER RECHERCHENBERICHT

Internationales Aktenzeichen

PCT/DE 03/03238

A. KLASIFIZIERUNG DES ANMELDUNGSGEGENSTANDES
IPK 7 601N29/10

Nach der internationalen Patentklassifikation (IPK) oder nach der nationalen Klassifikation und der IPK

B. RESEARCHIERTE GEBIETE

Researchierter Mindestprüfstoff (Klassifikationssystem und Klassifikationssymbole)

IPK 7 601N

Researchierte aber nicht zum Mindestprüfstoff gehörende Veröffentlichungen, soweit diese unter die researchierten Gebiete fallen

Während der internationalen Recherche konsultierte elektronische Datenbank (Name der Datenbank und evtl. verwendete Suchbegriffe)

EPO-Internal, WPI Data

C. ALS WESENTLICH ANGESEHENE UNTERLAGEN

Kategorie*	Bezeichnung der Veröffentlichung, soweit erforderlich unter Angabe der in Betracht kommenden Teile	Betr. Anspruch Nr.
X	API RECOMMENDED PRACTICE 5UE, FIRST EDITION: "Recommended Practice for Ultrasonic Evaluation of Pipe Imperfections" AMERICAN PETROLEUM INSTITUTE, März 2002 (2002-03), Seiten 1-16, XP0009030426	1-5
Y	in der Anmeldung erwähnt Seite 1, Absatz 1.1 Seite 4, Absatz 7 - Seite 5 Seite 6, Absatz 8.2.2 - Seite 7, Absatz 9.2.6; Abbildung 8.2.2.a Seite 9, Absatz A.1 - Seite 14, Absatz A.3; Abbildungen A.3.a, A.3.B, A.3.c ----- -/-	6,7

☒ Weitere Veröffentlichungen sind der Fortsetzung von Feld C zu entnehmen☒ Siehe Anhang Patentfamilie

* Besondere Kategorien von angegebenen Veröffentlichungen :

"A" Veröffentlichung, die den allgemeinen Stand der Technik definiert, aber nicht als besonders bedeutsam anzusehen ist

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"Z" Veröffentlichung, die Mitglied derselben Patentfamilie ist

Datum des Abschlusses der internationalen Recherche

5. Mai 2004

Absenddatum des internationalen Recherchenberichts

28/05/2004

Name und Postanschrift der internationalen Recherchenbehörde
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Fax: (+31-70) 340-3016

Bevollmächtigter Beauftragter

Uttenthaler, E

INTERNATIONALER RECHERCHENBERICHT

Internationales Aktenzeichen

PCT/DE 03/03238

C.(Fortsetzung) ALS WESENTLICH ANGESEHENE UNTERLAGEN

Kategorie*	Bezeichnung der Veröffentlichung, soweit erforderlich unter Angabe der in Betracht kommenden Teile	Betr. Anspruch Nr.
Y	V. DEUTSCH, M. PLATTE, M. VOGT: "Ultraschallprüfgeräte" ULTRASCHALLPRÜFUNG, 1997, Seiten 55-73, XP002279058 BERLIN HEIDELBERG NEW YORK	6,7
A	Seite 62, letzter Absatz - Seite 73; Abbildung 3.29	1,2,4
A	V. DEUTSCH, M. PLATTE, M. VOGT: "Fehlernachweis und Gerätejustierung" ULTRASCHALLPRÜFUNG, 1997, Seiten 125-135, XP002279059 BERLIN HEIDELBERG NEW YORK Seite 125 - Seite 133, Absatz 1; Abbildung 3.116	1-5
A	DE 23 42 795 A (DEUTSCH PRUEF MESSGERAETE) 6. März 1975 (1975-03-06) Seite 1 - Seite 2, letzter Absatz Seite 4, Absatz 2 Seite 8, Absatz 1	1,6
A	GB 1 402 495 A (THYSSEN NIEDERRHEIN AG) 6. August 1975 (1975-08-06) Seite 1, Zeile 11 - Zeile 32 Seite 3, Zeile 118 - Seite 4, Zeile 56	1,6

INTERNATIONALER RECHERCHENBERICHT

Angaben zu Veröffentlichungen, die zur selben Patentfamilie gehören

Internationales Aktenzeichen

PCT/DE 03/03238

Im Recherchenbericht angeführtes Patentdokument	Datum der Veröffentlichung	Mitglied(er) der Patentfamilie	Datum der Veröffentlichung
DE 2342795 A	06-03-1975	DE 2207164 A1	30-08-1973
		DE 2342795 A1	06-03-1975
		DE 2342796 A1	06-03-1975
		DE 2342797 A1	06-03-1975
		FR 2172325 A1	28-09-1973
		GB 1422556 A	28-01-1976
		IT 993551 B	30-09-1975
GB 1402495 A	06-08-1975	DE 2226172 A1	13-12-1973
		BE 800155 A1	17-09-1973
		FR 2187124 A5	11-01-1974
		IE 37685 B1	14-09-1977
		IT 1012055 B	10-03-1977
		LU 67598 A1	24-07-1973
		NL 7307604 A ,B	04-12-1973